



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,993	09/28/2001	Glenn S. Daehn	OSU1159-154A	4849

8698 7590 07/17/2003
STANDLEY & GILCREST LLP
495 METRO PLACE SOUTH
SUITE 210
DUBLIN, OH 43017

EXAMINER

WATSON, ROBERT C

ART UNIT	PAPER NUMBER
----------	--------------

3723

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

11

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 6/9/03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

(1) The election of sub-species of 6/9/03 is inconsistent with the election of species of 4/1/03. On 6/9/03 applicant elected the species of Figure 3 and stated that claims 1-21 and 48-54 are readable on the species of Figure 3. On 6/9/03 applicant elected a sub-species of Figure 3 and stated that claims 1-4, 8, 10, 12, 13, 16-21, 46, 47, 51, 52, 55, 56, 60, 63-66, 70, and 88-91 are readable on this sub-species of Figure 3. Clearly, the 6/9/03 statement of the claims readable on the species\sub-species of Figure 3 is inconsistent with the 4/1/03 election of the species of Figure 3. **Applicant must now state with claims read on the species of Figure 3 that are restricted to the elected sub-species.**

And,

(2) Applicant did not properly elect between the sub-species of securing means; ie., (1) vacuum or (2) magnetic. Applicant states that the examiner erred in not including a category "mechanical" as a securing means and cites paragraph {0012} in as support for this position. The examiner did not error in not including a category "mechanical" as a securing means. Applicant fails to understand that the election of sub-species of 5/7/03 was based not on sub-species disclosed in the specification, but rather, was properly based on the **claimed** sub-species of the securing means. No sub-species of "mechanical" securing means was claimed prior to the 5/7/03 election. Accordingly, **it would not have been proper to include a non-claimed sub-species in the election requirement.** Applicant is not permitted to subsequently alter the

Art Unit: 3723

species categories after the election requirement has been made. **Applicant must now comply completely with the election requirement of 5/7/03 and elect a securing means as either (1) vacuum or (2) magnetic.**

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 703 308-1747. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 703 308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3579 for regular communications and 703 305-9835 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1148.

Application/Control Number: 09/965,993

Page 4

Art Unit: 3723

rcw

July 16, 2003

A handwritten signature in black ink, appearing to read "Robert C. Watson", with a stylized, flowing script.

ROBERT C. WATSON
PRIMARY EXAMINER